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10
11 UNITED STATES BANKRUPTCY COURT
12
13 CENTRAL DISTRICT OF CALIFORNIA

14 In re: SENIK BABAKHANIAN) BK NO. 1:2021-bk-11500 MT
15 Debtor.) ADV NO. 1:21-ap-01074-MT

16 FIRST DATA MERCHANT SERVICES,)
17 LLC, a Florida limited liability company,) DECLARATON OF MARTA ROZA IN
18) SUPPORT OF ENTRY FOR JUDGMENT

19 Plaintiff,)
20 vs.)
21 SENIK BABAKHANIAN, an individual dba) Pre-Trial Conference Scheduled For:
22 Allstate Radiator,) Date: August 17, 2022
23 Defendant.) Time: 11:00 a.m.
24) Place: Courtroom 302

25 I, MARTA ROZA, do hereby declare:

26 1. Each of the following facts is based upon my personal, firsthand
27 knowledge and, if called upon, I could and would competently testify thereto.

28 2. I am an attorney at law duly licensed to practice and practicing before this
Court.

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1 3. The parties have entered into a Mutual Release and Settlement Agreement.

3 4. Although the terms of the Mutual Release and Settlement Agreement
4 contain a confidentiality provision, opposing counsel has agreed that I can file this Declaration and
5 attach the preamble and applicable paragraph of that Agreement in order that a Judgment may
6 enter and this Adversary Proceeding may be concluded.

8 5. Attached hereto as Exhibit "A" (and incorporated herein as though set forth
9 in full) is a true and correct copy of the preamble and applicable paragraph of that Agreement,
10 along with the signature pages.

12 6. Based thereon, it is respectfully requested that this Court enter its Judgment
13 in the above-captioned matter as set forth therein.

15 Executed this 25th day of July, 2022 at Los Angeles, California.

17 I declare that the foregoing is true and correct under the laws of the United States of
18 America.

MARTA ROZA

MUTUAL RELEASE AND SETTLEMENT AGREEMENT

1. **PARTIES:** The parties to this Mutual Release and Settlement Agreement (hereafter the "Agreement") are FIRST DATA MERCHANT SERVICES, LLC, a Florida limited liability company (hereafter "FIRST DATA") and SENIK BABAKHANIAN, an individual dba Allstate Radiator (hereafter "BABAKHANIAN").

REDACTED

3. **JUDGMENT AND PAYMENT:** The parties hereto agree that:

3.1 Judgment may be entered forthwith in Adversary Case No. 1:21-ap-01074 MT in the United States Bankruptcy Court (in Case No. 1:20-bk-11215-MT) in the amount of \$ 49,573.61, plus interest at the state interest rate of 10% simple interest and will specifically state that the debt referenced above is excepted from discharge under 11 USC §523(a)(2) and/or

11 USC §523(a)(4) and 11 USC §523(c).

REDACTED

EXHIBIT A

REDACTED

EXHIBIT A

REDACTED

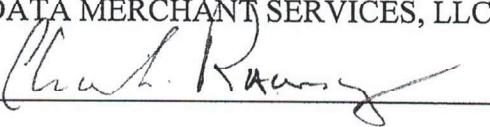
EXHIBIT A

REDACTED

7.9 The effective date of this Agreement is July 7, 2022


SENIK BABAKHANIAN

FIRST DATA MERCHANT SERVICES, LLC

By: 

Charles Ramsey
VP of Collections
TRS Recovery

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 27240 Turnberry Lane, Suite 200, Valencia CA 91355

A true and correct copy of the foregoing document entitled (*specify*): DECLARATON OF MARTA ROZA IN SUPPORT OF ENTRY FOR JUDGMENT will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On July 25, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Aris Artounians** aris@arislawgroup.com, arislawgroup@gmail.com
- **Allan Herzlich** allan@herzlich-blum.com
- **United States Trustee (SV)** ustpregion16.wh.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On N/A, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on N/A, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 25, 2022
Date

MARTA ROZA
Printed Name


Signature